DEPARTMENT OF HEALTH & HUMAN SERVICES

HFA-305

Food and Drug Administration
Rockville MD 20857

6840 '00 MAY 18 A9:39

May 12, 2000

Michael McCally, M.D.
Professor and Vice Chairman
Department of Community and Preventive Medicine
The Mount Sinai Hospital
Mount Sinai School of Medicine, Box 1043
One Gustave L. Levy Place
New York, New York 10029-6574

Dear Dr. McCally:

I am responding to the letter from you and seven others from various academic institutions, asking for a meeting about a petition to label IV tubing and other devices made from polyvinyl chloride.

The petition, submitted by Health Care Without Harm in June 1999, addresses the potential risk from the leaching of phthalates from these medical devices. On March 29, the Center for Devices and Radiological Health (CDRH) wrote the petitioner stating that it would take several months for the agency to review our recently completed risk assessment of the primary phthalate plasticizer (DEHP) used in medical devices.

I am unable to meet with you to discuss the issues contained in the petition, but David Feigal, M.D., Director of CDRH, has agreed to meet with you in my stead. If you would like to schedule a meeting with him, please call his assistant, Adrienne Burns, at 301 443-4690, and provide her with an agenda and potential dates.

My best wishes for a productive meeting and a prompt resolution of this issue.

Sincerely,

Jane E. Henney, M.D.
Commissioner of Food and Drugs

99P-2077

LET3

Drafted:LGangloff:HF-40:5/5/00
Linda\lmccally

Cc: HF-1
HF-40 (Russ)
HFZ-1 (Burns)
HFZ-3 (Burgess)
HFZ-110 (MStratmeyer)
HFA-305 (re docket #99P2077)

Mount Sinai

The Mount Sinai Medical Center
The Mount Sinai Hospital
Mount Sinai School of Medicine

One Gustave L. Levy Place
New York, New York 10029-6574

Department of Community and Preventive Medicine

Box 1043

Fax: (212) 360-6965

April 10, 2000

Jane E. Henney, M.D.
Commissioner
Food and Drug Administration
Parklawn Building, room 1471
5600 Fishers Lane
Rockville, MD 20877

Dear Dr. Henney:

We write to state our support for the Citizen Petition filed with the FDA by Health Care Without Harm and to request a meeting with you to discuss the issues raised in that petition.

In the June 14, 1999 petition, Health Care Without Harm requested that you require the labeling of all polyvinyl chloride (PVC) medical devices. We believe that the actions requested in HCWH's petition are a necessary response to public health concerns about phthalates leaching out of PVC medical devices. According to published data, some patients, including newborns and infants, are exposed to the phthalate DEHP at levels known to have adverse effects in laboratory animals, including primates. Studies show that testicular toxicity in the developing organism is a critical health effect and occurs at levels of exposure which are similar to those experienced by newborns or infants receiving certain kinds of infusions through DEHP-containing PVC devices.

PVC medical devices, such as bags for infusion of sterile water or saline solution, typically contain 30-40% DEHP by weight; other devices, such as medical tubing, may contain as much as 80% DEHP by weight. Because DEHP is not chemically bound to the polymer in a PVC medical device, it can be released when the device is heated or it can leach out when the device comes into contact with certain media, such as blood, drugs, saline or water.

DEHP produces a spectrum of toxic effects in laboratory animals, including rodents and primates, in multiple organ systems including the liver, reproductive tract, kidneys, lungs and heart. It is also toxic to the developing fetus. In addition, for some adverse effects, such as testicular toxicity, the developing organism appears to be much more sensitive (greater toxicity and irreversibility of effect) than the adult. As of now, it is unclear whether a threshold for adverse effects exists.

These effects are documented in a report by the University of Massachusetts Lowell commissioned by Health Care Without Harm in June of last year. The Lowell report

includes studies which indicate that blood transfusion recipients, dialysis patients and mechanically vented infants may be exposed to DEHP at levels substantially higher than cancer patients might receive from Taxol administered through PVC intravenous equipment. Taxol contains a warning level that advises against the administration of the drug in PVC equipment because of the leaching of DEHP. The lack of explicit FDA policy on labeling all PVC medical products results in greater-than-Taxol DEHP exposures without Taxol-like warning to patients or health care providers.

In an interesting comparison, the FDA does limit the amount of plasticizer in food containers to 30% of the material. PVC medical products used to contain blood and intravenous solutions all contain more than 30% plasticizer by weight, yet are not labeled by the FDA.

Based on the accumulating evidence on leaching and health effects documented in the Lowell report, the industry claims that DEHP and PVC are safe appear to be premature at the least. In fact, even FDA approval of PVC medical products is not based on a rigorous review of independent safety testing, but rather is the results of Congressional grandfathering of products on the market at the time the legislation was passed in 1976.

Given the human exposure to DEHP and the potential for adverse health effects, we feel it would be prudent for the FDA to do what is possible to actively promote phthalate-free alternatives. For this reason, we are supporting Health Care Without Harm's petition, which calls upon the FDA to handle DEHP in the same way as other drugs, by labeling it, informing consumers and disclosing the potential risks associated with its use. As physicians, we believe that we and our patients have a right to know about the presence of such a bioactive product in the solutions that we are administering to our sickest patients. The fact that this leachate is unregulated and varies widely in amount heightens our concern. We urge you to act prudently and expeditiously.

We look forward to the chance to meet with you, at your convenience, to further discuss this important public health issue. Please let Dr. McCally (telephone: 212/241-5436; e-mail: michael.mccally@mssm.edu) know when you might be available to continue this discussion. Thank you for your consideration of this important issue.

Sincerely,

Michael McCally, M.D.
Professor and Vice Chairman
Department of Community and Preventive Medicine

Quentin Young, M.D.
University of Illinois College of Medicine
(Past President of American Public Health Association)

Robert Lawrence, M.D.
Associate Dean
Johns Hopkins University School of Public Health

Daniel Kerlinsky
Department of Psychiatry
University of New Mexico

Eric Chivian, M.D.
Center for Health and The Global Environment
Harvard Medical School

Barry Levy, M.D.
Tufts University School of Medicine
(Past President American Public Health Association)

Cathey Falvo, M.D.
New York Medical College
(President New York Physician for Social Responsibility)

Howard Frumkin, M.D.
Rollins School of Public Health
Emory University